

March 22, 2007

## **Testimony to the Assembly Committee on Elections and Constitutional Law in Favor of Assembly Bill 82**

Dear Chairman Albers and members of the Committee:

I regret that the demands of my business made it impossible for me to testify in person. Thank you for accepting my written testimony in favor of Assembly Bill 82, which would create a way in the statutes to recall elected members of a town sanitary district. The issue is really just that simple and my testimony is accordingly brief.

This bill was introduced by Representative Hubler at my request and the request of my neighbors who are residents of Lakeland Sanitary District #1. My neighbors and I have specific complaints about actions of the board and its members. We tried various avenues to have our complaints addressed but were unable to attain satisfaction.

We feel that our concerns are serious enough to make a recall election appropriate.

We examined the statutes to find out how to proceed and, through Representative Hubler, we consulted the Legislature's own attorneys at the Legislative Council. Inquiries were also made on our behalf to the Wisconsin Towns Association.

To our surprise, we found that the statutes do not provide for the recall of elected town sanitary district members.

Wisconsin Statute 9.10 (1) provides that *"the qualified electors of the state, of any county, city, village, town, of any congressional, legislative, judicial or school district, or any prosecutorial unit may petition for the recall of any incumbent elective official by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder."*

The statute is apparently specific to the units of government listed. It appears that a Senator or Assembly member can be recalled under this statute but a sanitary district board member cannot be.

Sanitary district boards have authority to levy taxes and set rates. These boards have the other powers and responsibilities of duly elected boards. They should be subject to recall for cause, just as members of other boards and councils are.

My neighbors and I feel that a gap exists in the statutes in regards to sanitary district boards. We believe that passage of Assembly Bill 82 would repair that.

We ask that the committee vote to move this bill forward.

Thank you.

Ron Helstern  
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**March 22, 2007**

**Hubler testimony to the Committee on Elections and  
Constitutional Law - AB 82**

Dear Chairman Albers and members of the Committee:

Thanks for the opportunity to testify in favor of my bill.

The reason I introduced AB 82 is that it addresses what I see as an oversight in the law: There is no provision for recalling elected members of a sanitary district board.

I conferred with the Towns Association, whose representative was surprised that no specific provision in Wisconsin law referred to the recall of these board members. He suggested that perhaps because sanitary district boards are instruments of town boards that the members could be recalled under the part of the statute that references town boards.

I ran that by attorneys at our own Legislative Council who doubted a court would agree with that interpretation. At the very least a legal clarification of the law is in order.

I believe that any elected member of any board that has authority to set rates and levy taxes ought to be subject to recall for cause. I believe that the recall statutes that exist were put in place by legislators who believe in full accountability of public officials.

I was prompted to draft this bill by residents of a particular sanitary district, who believed that the actions of their board were arbitrary and compromised by conflicts of interests and that the board was ignoring open meetings and open records law. These residents allege a host of other improprieties and have been unable to interest the district attorney in pursuing their complaints.

Unfortunately, the board had operated without much attention from its constituents for many years. The public began to pay attention shortly after the re-election of one of the members. When some members of the public decided that the actions of the board required immediate recall, they found that no mechanism for recall existed.

The specific complaints and their validity are important but not really relevant to this discussion. While the complaints of these sanitary district residents caused me to propose AB 82, the bill really addresses a principle that is already part of Wisconsin Statute. Passage of AB 82 will fix a part of the law and make another group of public officials more accountable to the public.